

DEMOCRATIC REPUBLIC OF THE CONGO
CIVIL SOCIETY DECLARATION
ON THE ILLEGAL EXPLOITATION OF NATURAL RESOURCES
AND CONFLICT IN THE COUNTRY

As delegates of Democratic Republic of the Congo civil society groups, having met from March 10 to 13, 2003, at the Kintambo Theresianum Centre in Kinshasa for the *Atelier national sur l'exploitation des ressources naturelles et conflits en RD Congo* (National Workshop on the Exploitation of Natural Resources and Conflict in the DRC), organized by the *Centre national d'appui au Développement et à la Participation populaire* (CENADEP), with help from CORDAID/Netherlands, NIZA/Netherlands, PAC/Canada, CNCD/Belgium and Rights and Democracy/Canada, we have examined various reports from the provincial delegates concerning the plunder of resources and its impact on the population. In particular, we have examined the Third Report of the United Nations Expert Panel on the illegal exploitation of resources in the DRC. In addition, we considered the final draft of a report issued by the Commission of Enquiry of the Belgian Senate, as well as a report by the British Parliamentary Group on the Great Lakes and the Prevention of Genocide.

- The systematic plunder and widespread illegal exploitation of natural resources and of other assets in the DRC are clearly confirmed in the three reports produced by the United Nations Expert Panel between July 31, 2000, and October, 2002. In these reports, the UN experts denounce those responsible and their accomplices. They show the reality and the scope of the problem, as well as the threat it poses to peace and security in the Congo and in the sub-region. The UN experts now recognize that the principal motive for the war is the control and exploitation of the region's wealth.

- The Belgian Senate recognizes the involvement of Belgian companies in the plunder, but they refuse to go so far as to denounce them, citing a very narrow definition of the concepts of 'illegality', 'legality' and 'plunder'.

- For its part, the British Parliamentary Group has acknowledged the systematic plunder of DRC assets. It has identified those responsible and the role of foreign companies. It has highlighted the seriousness of the problem and its impact on the Congolese people, in particular the tragedy in humanitarian terms; massive violations of human rights, food shortages, sexual offences against girls and women, and the devastating environmental impact. The British Parliamentary Group has recommended that the British Government, among others, review its plan of action with respect to the Great Lakes countries. It is extremely unfortunate that the Group did not go so far as to explicitly condemn the large scale massacres of the Congolese people.

- All of the reports express concern for the 500,000 refugees currently in the bordering countries, as well as for the 2 million who have been displaced and... the more than 3 million who have died. These reports also make mention of the transmission of the AIDS virus by armed groups involved in this war.

- A fourth report will be presented to the Security Council in July, 2003. As members of Congolese civil society, we make note of the fact that this will mark three years of inquiries, with no specific sanctions even being considered. How much longer must our people continue to suffer?

- Following the publication of these reports, which detail some fairly serious offences, almost none of the governments of those countries whose companies and military forces are implicated in the illegal exploitation of resources in the Congo have taken steps to this point to implement any of the recommendations put forward by either the United Nations Expert Panel or by Security Council **Resolution 1457/2003**. The governments of Rwanda and Uganda have yet to take any action against military officials, companies or citizens from their country who have been implicated.

- The government of the Democratic Republic of the Congo has begun to impose sanctions by suspending those ministers and high ranking civil servants mentioned in the third report of the UN Expert Panel; Congolese 'rebel' groups have scarcely been affected by either internal or external sanctions.

For these reasons, as members of Civil Society of the Democratic Republic of the Congo, we make the following declaration:

- Whereas the UN Security Council has for more than three years left those responsible for the plunder and illegal exploitation of the DRC's natural resources and their accomplices free to operate without interference;

- Whereas, under the pretext of waiting for additional evidence, the governments of those countries whose citizens and companies are implicated in the plunder are loathe to take action to stop it;

- In view of the fact that this state of affairs has encouraged the criminalization of our economy by the political and military elite, both Congolese and foreign, as well as by Mafia style networks and companies, encouraging crime and corruption;

- Given that, as a result of this plunder of assets, the people of the DRC do not profit from its resources, but languish in poverty as is outlined in the 2002 UNPD human development report;

- Considering the widespread and serious human rights violations and violations of international humanitarian law;

- Conscious of the fact that change can only come about through the combined efforts of all parties involved in the Inter-Congolese Dialogue along with the international community.

we recommend:

1. To the Security Council:

- a. To take a more active role in seeking lasting solutions to conflict and war in the DRC and in the Great Lakes sub-region, taking into consideration undeniable links to the illegal exploitation of natural resources;
- b. To require governments, institutions and international authorities to implement the sanctions recommended in the reports issued by the UN Expert Panel, and to undertake a resolution authorizing that those individuals and companies responsible be tracked down wherever they are;
- c. To recommend, as in the Kimberley Process, an international mechanism for mandatory controls on the trade of those products whose illegal exploitation is causing the conflict, and the destruction of local communities and states; products such as, columbite-tantalite (coltan), petroleum, wood, germanium...;
- d. To require on behalf of the Congolese people that justice be served as outlined in **Article 21 of the African Charter of Human and People's Rights**, paragraph 2, which stipulates: "In cases of despoilment, the despoiled party has the right to lawful recovery";
- e. To work resolutely, as was the case in Rwanda, or Sierra Leone or Yugoslavia, towards the creation of a Special Court for the DRC, whose mission would be to pursue war crimes, crimes against humanity, as well as economic crimes;
- f. To call for financial backing for reconstruction and development in the Congo, including a compensation fund for the restoration of the flora and fauna of parks and reserves which have been destroyed by the war;
- g. To revise the mandate of the United Nations Mission On the Congo (MONUC -*Mission des Nations Unies au Congo*) to that of a *peace keeping force* during the Congolese transition period, to equip this force and to reinforce it as necessary, keeping in mind the sheer size of the country.

2. To both the government and the Senate of Belgium:

- a. To reconsider the draft report of the Senate Commission on the illegal exploitation of resources in the DRC which is too lenient in its conclusions; indeed, those of us who make up Congolese civil society believe that the Commission has at its disposal sufficient information to implicate clearly the Belgian companies whose involvement has been cited in the illegal exploitation and plunder; however, it prefers to look the other way;
- b. To strengthen the punitive measures against fraud committed on Belgian soil by companies and individuals;
- c. To require Belgian companies to respect the OECD guidelines, which have been violated;

- d. To encourage Judge Michel Claes to further pursue legal action which has already been initiated with respect to those responsible and to those who have been implicated in facilitating the plunder which has been committed in the DRC;
- e. To make genuine attempts to become involved in humanitarian aid efforts, rebuilding the state, and economic recovery in the DRC.

3. To both the government and the Parliament of Britain:

- a. To make a sincere attempt to become involved in the peace process in the DRC;
- b. To force the Rwandan and Ugandan governments to respect Congolese borders, as well as to respect human rights both in the Congo and in their own countries;
- c. To encourage reconciliation between the peoples and the nations of the African Great Lakes in its policies for the region;
- d. To require British companies to respect OECD guidelines;
- e. To require the Ugandan government to apply the sanctions called for by the Porter Commission and by the report of the United Nations Expert Panel;
- f. To respond to requests contained in a parliamentary report with respect to providing concrete humanitarian aid, and to support the demobilisation and reintegration of armed groups in the sub-region.

4. To other governments with companies mentioned in the reports:

- a. To apply the sanctions proposed by the United Nations Experts;
- b. To ensure the guidelines of the OECD are respected.

5. To the Congolese people and the government:

- a. To fight against the corruption which is undermining government services and to bolster the ability of public institutions to provide services both in the provinces and on a national level;
- c. To review all one-sided contracts for the exploitation of forestry and mining resources which were signed during the war, in order to guarantee that the interests of both the partners and the Congolese people are balanced;
- c. To bolster once and for all the judicial system in our country to stamp out the practice of granting impunity;
- d. To encourage the Attorney General of the DRC to further pursue legal action against both the individuals cited and the companies indicated in each of the

reports of both the National Expert Commission and the United Nations Expert Panel;

- e. To circulate on a large scale in all four national languages the three reports of the United Nations Expert Panel;
- f. To facilitate on an annual basis provincial economic forums, as well as a National Social Forum in which the public participates in order to take some ownership of economic and social recovery programs;
- g. To become more involved in supporting the Kimberley Process by decentralizing and bolstering the ability of the *Centre d'expertise, d'évaluation et de certification* to do its work;

6. To the Congolese rebel forces:

- a. To bring a definitive end to the massive violations of human rights and to the plunder of natural resources and other assets of their own country;
- b. To undertake mandatory and definitive involvement in the process of national reconciliation, a process that began with the Lusaka Accord, and to participate quickly in the installation of a national government and of transitional institutions as the comprehensive Pretoria Accord concludes.

7. To our international partners:

- a. To strengthen solidarity with the Congolese people through Congolese civil society channels.

For our part, as members of civil society within the Democratic Republic of the Congo, we are committed to mobilizing our people to put into place various strategies, such as those adopted during the current workshop, with a view to obtaining effective sanctions and to neutralizing those who currently prey upon us or who would do so in the future.

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Translation from the French: Larry Lazazzera/Africa Files and Partnership Africa Canada